

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.10218 of 2020

Gandhimadhi,
W/o.Sundaram,
No.6, Vanniya Othavaadi Street,
Madurantakam Town and Taluk,
Chengalpattu District.

...Petitioner

Vs.

- 1.The Superintendent Engineer,
The Tamil Nadu Electricity Board,
Chengalpattu and District.
- 2.The Assistant Engineer,
Operation and Maintenance,
O/o.The Tamil Nadu Electricity Board,
Madurantakam,
Chengalpattu District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent herein to dispose of the petitioner's representation dated 10.12.2019 seeking seeking electricity connection for the petitioner residence at No.6, Vaaniya Othavaadi Street, Madurantakam Town & Taluk, Chengalpattu District comprised in Old Survey No.1035/14A1 part New Survey No.49 at Madurantakam Town & Taluk, Chengalpattu District.

For Petitioner : Mr.G.Magesh Kumar

For Respondents: Mr.Gunaraj
Standing Counsel

O R D E R

This writ petition has been filed for an issue of writ of mandamus, directing the respondent to consider the representation made by the petitioner on 10.12.2019, wherein the petitioner is seeking separate electricity connection for her property.

2. The case of the petitioner is that the property originally belonged to her mother and she died leaving behind the petitioner and her two sisters as legal heirs. According to the petitioner there was an oral partition among the legal heirs and the petitioner is having a separate portion and other two legal heirs are also enjoying their separate portions. It is the further case of the petitioner that all the three legal heirs wanted separate electricity connection for their respective property. The petitioner made a representation to the respondent seeking for electricity connection and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr. Magesh Kumar, learned counsel appearing for the petitioner and Mr. Gunaraj, learned Standing Counsel appearing on behalf of the respondents.

4. While Providing for electricity connection, the department is governed by certain regulation. The regulation makes it clear that for a single property, only one electricity connection can be given and no separate connection can be given for each portion of the property. In the present case, the petitioner claims that there was already an oral partition and the petitioner and her sisters enjoy their respective shares separately.

5. Insofar as the electricity connection is concerned, there is a procedure to be followed by providing necessary information and only then the same will be considered. In the present case, the petitioner has merely given a representation to the respondents 1 and 2. This representation cannot be acted upon since no formal application was given by the petitioner seeking for electricity connection. The appropriate manner in which it has to be sought for is that the petitioner and her sisters must individually submit applications to the electricity department through online by providing all the particulars. On such application, the authority will conduct inspection and satisfy themselves that the petitioner and her sisters are separately enjoying their property. Only thereafter the authority will be able to take a decision on providing electricity connection individually to each of the legal heirs.

6. This procedure shall be followed by the petitioner along with the other legal heirs and on receipt of the application, the second respondent shall consider the same strictly in accordance with law and a decision shall be taken within a period of eight weeks from the date of receipt of the application.

7. This writ petition is disposed of with the above direction. No cost.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Superintendent Engineer,
The Tamil Nadu Electricity Board,
Chengalpattu and District.
- 2.The Assistant Engineer,
Operation and Maintenance,
O/o.The Tamil Nadu Electricity Board,
Madurantakam,
Chengalpattu District.

AJS (CO)
CB(29/10/2020)

W.P.No.10218 of 2020



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